IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

LORENA BALDELAMAR, Plaintiff, v. JEFFERSON SOUTHERN CORPORATION, Defendant.	Civil Action No. 4:15-cv-00209-HLM-WEJ JURY TRIAL DEMANDED

PRETRIAL ORDER

1.

There are no motions or other matters pending for consideration by the court except as noted:

No motions are currently pending. However, the parties anticipate that each of them may file one or more motions in limine.

2.

All discovery has been completed, unless otherwise noted, and the court will not consider any further motions to compel discovery. (Refer to LR 37.1B). Provided there is no resulting delay in readiness for trial, the parties shall, however, be permitted to take the depositions of any persons for the preservation of evidence and for use at trial.

The parties do not require any further discovery.

3.

Unless otherwise noted, the names of the parties as shown in the caption to this Order and the capacity in which they appear are correct and complete, and there is no question by any party as to the misjoinder or non-joinder of any parties.

The names of the parties are correct as shown in the caption above.

4.

Unless otherwise noted, there is no question as to the jurisdiction of the court; jurisdiction is based upon the following code sections. (When there are multiple claims, list each claim and its jurisdictional basis separately.)

This Court has jurisdiction over Plaintiff's claims for and retaliation in accordance with 28 U.S.C. § 1331.

5.

The following individually-named attorneys are hereby designated as lead counsel for the parties:

Plaintiff:

Taylor J Bennett
Georgia Bar No. 664063
Attorney for Plaintiff
BARRETT & FARAHANY, LLP
1100 Peachtree St.
Suite 500
Atlanta, GA 30309
Defendants:

Tracy L. Moon, Jr.
Georgia Bar No. 518050
Attorney for Defendant
Fisher Phillips LLP

1075 Peachtree St.
Suite 3500
Atlanta, GA 30309

Other Parties: (specify)

None.

6.

Normally, the plaintiff is entitled to open and close arguments to the jury. (Refer to LR39.3(B)(2)(b)). State below the reasons, if any, why the plaintiff should not be permitted to open arguments to the jury.

Defendants have no objection to Plaintiff opening and closing arguments to the jury in accordance with LR 39.3(B)(2)(b).

7.

The captioned case shall be tried to **a jury.**

8.

State whether the parties request that the trial to a jury be bifurcated, i.e. that the same jury consider separately issues such as liability and damages. State briefly the reasons why trial should or should not be bifurcated.

The parties do not request bifurcation of the issues.

9.

Attached hereto as Attachment "A" and made a part of this order by reference are the questions which the parties request that the court propound to the jurors concerning their legal qualifications to serve.

10.

Attached hereto as Attachment "B-1" are the general questions which plaintiff wishes to be propounded to the jurors on voir dire examination.

Attached hereto as Attachment “B-2” are the general questions which defendant wishes to be propounded to the jurors on voir dire examination.

Attached hereto as Attachment “B-3”, “B-4”, etc. are the general questions which the remaining parties, if any, wish to be propounded to the jurors on voir dire examination.

Not applicable.

The court, shall question the prospective jurors as to their address and occupation and as to the occupation of a spouse, if any. Counsel may be permitted to ask follow-up questions on these matters. It shall not, therefore, be necessary for counsel to submit questions regarding these matters. The determination of whether the judge or counsel will propound general voir dire questions is a matter of courtroom policy which shall be established by each judge.

11.

State any objections to plaintiff’s voir dire questions:

State any objections to defendants’ voir dire questions:

State any objections to the voir dire questions of the other parties, if any:

Not applicable.

12.

All civil cases to be tried wholly or in part by jury shall be tried before a jury consisting of not less than six (6) members, unless the parties stipulate otherwise. The parties must state in the space provided below the basis for any requests for additional strikes. Unless otherwise directed herein, each side as a group will be allowed the number of peremptory challenges as provided by 28 U.S.C. § 1870. See Fed. R. Civ. P. 47(b).

The parties agree that there is no need for additional strikes.

Plaintiff requests that the case by tried by a jury of six (6) with two alternates to be dismissed once deliberations begin.

13.

State whether there is any pending related litigation. Describe briefly, including style and civil action number.

Defendant is currently being sued by a former employee, whom is also represented by Plaintiff's counsel, for alleged violation of 42 U.S.C. § 1981 and retaliation. (Bullington v. Jefferson Southern Corporation 4:16-cv-00245-HLM-WEJ)

14.

Attached hereto as Attachment "C" is plaintiff's outline of the case which includes a succinct factual summary of plaintiff's cause of action and which shall be neither argumentative nor recite evidence. All relevant rules, regulations, statutes, ordinances, and illustrative case law creating a specific legal duty relied upon by plaintiff shall be listed under a separate heading. In negligence cases, each and every act of negligence relied upon shall be separately listed. For each item of damage claimed, plaintiff shall separately provide the following information: (a) a brief description of the item claimed, for example, pain and suffering; (b) the dollar amount claimed; and (c) a citation to the law, rule, regulation, or any decision authorizing a recovery for that particular item of damage. Items of damage not identified in this manner shall not be recoverable.

15.

Attached hereto as Attachment "D" is Defendants' outline of the case which includes a succinct factual summary of all general, special, and affirmative defenses relied upon and which shall be neither argumentative nor recite evidence. All relevant rules, regulations, statutes, ordinances, and illustrative case law relied upon as creating a defense shall be listed under a separate heading. For any counterclaim, Defendants shall separately provide the following information for each item of damage claimed: (a) a brief description of the item claimed; (b) the dollar amount claimed; and (c) a citation to the law, rule, regulation, or any decision authorizing a recovery for that particular item of damage. Items of damage not identified in this manner shall not be recoverable.

16.

Attached hereto as Attachment "E" are the facts stipulated by the parties. No further evidence will be required as to the facts contained in the stipulation and the stipulation may be read into evidence at the beginning of the trial or at such other time as is appropriate in the trial of the case. It is the duty of counsel to cooperate fully with each other to identify all undisputed facts. A refusal to do so may result in the imposition of sanctions upon the non-cooperating counsel.

17.

The legal issues to be tried are as follows:

Plaintiff's Legal issues:

(1) Whether Plaintiff was retaliated against for reporting sexual harassment and participating in a sexual harassment investigation?

(2) Whether Plaintiff is entitled to recover attorneys' fees and/or costs.

Defendants' Legal Issues:

1. Whether Defendant retaliated against Plaintiff when it terminated her on July 30, 2015 in violation of Title VII and, if so, to what relief is Plaintiff entitled.

2. Whether Plaintiff can prove that Defendant's reasons for terminating her are a pretext for unlawful retaliation.

3. Whether Plaintiff mitigated her alleged damages.

18.

Attached hereto as Attachment “F-1” for the plaintiff, Attachment “F-2” for the defendant, and Attachment “F-3”, etc. for all other parties is a list of all the witnesses and their addresses for each party. The list must designate the witnesses whom the party will have present at trial and those witnesses whom the party may have present at trial. Expert (any witness who might express an opinion under Rule 702), impeachment and rebuttal witnesses whose use as a witness can be reasonably anticipated must be included. Each party shall also attach to the list a reasonable specific summary of the expected testimony of each expert witness.

All of the other parties may rely upon a representation by a designated party that a witness will be present unless notice to the contrary is given ten (10) days prior to trial to allow the other party(s) to subpoena the witness or to obtain the witness’ testimony by other means. Witnesses who are not included on the witness list (including expert, impeachment and rebuttal witnesses whose use should have been reasonably anticipated) will not be permitted to testify, unless expressly authorized by court order based upon a showing that the failure to comply was justified.

19.

Attached hereto as Attachment “G-1” for the plaintiff, “G-2” for the defendants, and “G-3”, etc. for all other parties are the typed lists of all documentary and physical evidence that will be tendered at trial. Learned treatises which are expected to be used at trial shall not be admitted as exhibits. Counsel are required, however, to identify all such treatises under a separate heading on the party’s exhibit list.

Each party’s exhibits shall be numbered serially, beginning with 1, and without the inclusion of any alphabetical or numerical subparts. Adequate space must be left on the left margin of each party’s exhibit list for court stamping purposes. A courtesy copy of each party’s list must be submitted for use by the judge.

Prior to trial, counsel shall mark the exhibits as numbered on the attached lists by affixing numbered yellow stickers to plaintiff’s exhibits, numbered blue stickers to defendant's exhibits, and numbered white stickers to joint exhibits. When there are multiple plaintiffs or defendants, the surname of the particular plaintiff or defendant shall be shown above the number on the stickers for that party's exhibits.

Specific objections to another party's exhibits must be typed on a separate page and must be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits shall be included. Any listed document to which an objection is not raised shall be deemed to have been stipulated as to authenticity by the parties and shall be admitted at trial without further proof of authenticity.

Unless otherwise noted, copies rather than originals of documentary evidence may be used at trial. Documentary or physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

Counsel shall familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed.

Objections to the exhibits are attached to the exhibit list of the party or parties against whom the objections are raised.

20.

The following designated portions of the testimony of the persons listed below may be introduced by deposition:

Plaintiff designates the following depositions to be introduced at Trial:

1. Jefferson Southern Corporation's 30(b)(6);
2. Ray Wright;
3. Sheri Price;
4. Deanna Hall;

Any objections to the depositions of the foregoing persons or to any questions or answers in the depositions shall be filed in writing no later than the day the case is first scheduled for trial. Objections not perfected in this manner will be deemed waived or abandoned. All depositions shall be reviewed by counsel and all extraneous and unnecessary matter, including non-essential colloquy of counsel, shall be deleted. Depositions, whether preserved by stenographic means or videotape, shall not go out with the jury.

21.

Attached hereto as Attachments "H-1" for the plaintiff, "H-2" for the defendant, and "H-3", etc. for other parties, are any trial briefs which counsel may wish to file containing citations to legal authority concerning evidentiary questions and any other legal issues which counsel anticipate will arise during the trial of the case. Limitations, if any, regarding the format and length of trial briefs is a matter of individual practice which shall be established by each judge.

The parties may file trial briefs according to the preferences of the Court at a later date.

22.

In the event this is a case designated for trial to the court with a jury, requests for charge must be submitted no later than 9:30 a.m. on the date on which the case is calendared (or specially set) for trial. Requests which are not timely filed and which are not otherwise in compliance with LR 51.1, NDGa will not be considered. In addition, each party should attach to the requests to charge a short (not more than one (1) page) statement of that party's contentions, covering both claims and defenses, which the court may use in its charge to the jury.

Counsel are directed to refer to the latest edition of the Eleventh Circuit District Judges Association's Pattern Jury Instructions and Devitt and Blackmar's Federal Jury Practice and Instructions in preparing the requests to charge. For those issues not covered by the Pattern Instructions or Devitt and Blackmar, counsel are directed to extract the applicable legal principle (with minimum verbiage) from each cited authority.

The parties will submit their respective requests for charge as directed by the Court.

23.

If counsel desire for the case to be submitted to the jury in a manner other than upon a general verdict, the form of submission agreed to by all counsel shall be shown in Attachment "I" to this Pretrial Order. If counsel cannot agree on a special form of submission, parties will propose their separate forms for the consideration of the court.

Plaintiff's proposed verdict form is attached as Exhibit I-1.

Defendants' proposed verdict form is attached as Exhibit I-2.

24.

Unless otherwise authorized by the court, arguments in all jury cases shall be limited to one-half hour for each side. Should any party desire any additional time for argument, the request should be noted (and explained) herein.

Not applicable.

25.

If the case is designated for trial to the court without a jury, counsel are directed to submit proposed findings of fact and conclusions of law not later than the opening of trial.

Not applicable.

26.

Pursuant to LR 16.3, lead counsel and persons possessing settlement authority to bind the parties met **on multiple occasions prior to the close of**

discovery, to discuss in good faith the possibility of settlement of this case. The court (______) has or (__**X**__) has not discussed settlement of this case with counsel. It appears at this time that there is:

(______)	A good possibility of settlement.
(__**X**_)	Some possibility of settlement.
(_____)	Little possibility of settlement.
(______)	No possibility of settlement.

27.

Unless otherwise noted, the court will not consider this case for a special setting, and it will be scheduled by the clerk in accordance with the normal practice of the court.

Not necessary.

28.

The plaintiff estimates that it will require **2-3** days to present its evidence. The defendant estimates that it will require **1-2** days to present its evidence. It is estimated that the total trial time is **3-5** days.

29.

IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above captioned case (__X____) submitted by stipulation of the parties or (____) approved by the court after conference with the parties.

IT IS FURTHER ORDERED that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings which are hereby amended to conform hereto and that this pretrial order shall not be amended except by Order of the court to prevent manifest injustice. Any attempt to reserve a right to amend or add to any part of the pretrial order after the pretrial order has been filed shall be invalid and of no effect and shall not be binding upon any party or the court, unless specifically authorized in writing by the court.

IT IS SO ORDERED this _____ day of _____________, 2017.

____
The Honorable Harold Murphy
United States District Judge

Each of the undersigned counsel for the parties hereby consents to entry of the foregoing pretrial order, which has been prepared in accordance with the form pretrial order adopted by this court.

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ATTACHMENT A

QUESTIONS WHICH THE PARTIES REQUEST THAT THE COURT PROPOUND TO JURORS CONCERNING THEIR LEGAL QUALIFICATIONS TO SERVE

1. Are you related by blood or marriage to an officer, director, agent or employee of Jefferson Southern Corporation?

2. Are you related by blood or marriage to Lorena Baldelamar?

3. Are you related by blood or marriage to or acquainted with any of the following persons [read list of witnesses from Attachments F- and F-2]? If so, please explain.

4. Are you related by blood or marriage to Taylor J Bennett, or any member or employee of the law firm of Barrett & Farahany, LLC?

5. Are you related by blood or marriage to Tracy L. Moon, Jr., Edward N. Boehm, Jr., or any member or employee of the law firm of Fisher & Phillips LLP?

6. Are you now or have you ever been a shareholder, employee, officer, director, or agent for Jefferson Southern Corporation?

7. Does any member of this panel know of Jefferson Southern Corporation?

8. Does any member of this panel know Lorena Baldelamar?

9. Are you a citizen of the United States?

10. Are you at least 18 years old?

11. Would service on this jury cause any undue hardship, burden, or extreme inconvenience to you or to any member of your immediate family?

12. Do you have any special needs or require any reasonable accommodation(s) to help you with listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror?

13. Have you, any member of your family, any close friend, your employer, or former employer ever been represented by the Defendant's law firm, Fisher & Phillips LLP? If so, when and what type of matter was involved?

14. Have you, any member of your family, any close friend, your employer, or former employer ever been represented by the Plaintiff's law firm, Barrett & Farahany, LLC? If so, when and what type of matter was involved?

15. Do you currently live in one of the following counties: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Newton, Floyd or Rockdale?

16. Have you resided within Cherokee, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Newton, Floyd or Rockdale County for at least one year?

17. Are you able to read, speak, and understand the English language?

18. Do you have any mental or physical problem which might impair your ability to render satisfactory jury service in this action? Please explain.

19. On most days, jurors will be expected to sit from 9:00 in the morning until 5:00 in the evening with a morning break, lunch break, and afternoon break. The trial is expected to be completed in 3-5 days. In light of this schedule and anticipated length of trial, is there any member of the panel who would be unable to sit as a juror in the case for that period of time?

20. Are you currently taking any medicine or drug that might impair your ability to render satisfactory jury service in this action? Please explain.

21. Do you have pending against you a charge for the commission of a crime, or have you been convicted in a state or federal court for the commission of a crime, punishable by imprisonment for more than one year? If so, have your civil rights been restored by pardon or amnesty?

22. Having heard the questions put to you by the Court, is there any other reason why you could not sit on this jury and render a fair and impartial verdict based on the evidence presented to you and the context of the Court's instructions to you on the law?

ATTACHMENT B-1
PLAINTIFFS' VOIR DIRE QUESTIONS

Plaintiffs include two sets of questions in this Attachment B-1. The first are general questions which Plaintiffs propose the Court include in a written questionnaire. The second are questions which Plaintiffs submit to ask the jury panel directly.

QUESTIONS WHICH PLAINTIFFS WISH TO BE PROPOUNDED TO JURORS ON WRITTEN QUESTIONAIRE

The questions which Plaintiffs request that the Court propound to the jurors written examination include the following:

1. Please state your full name.
2. Where do you live? How long have you lived there? With whom do you live?
3. What is your date of birth?
4. What is your marital status?
5. What is your spouse's name? Children's names and ages?
6. What is your occupation?
7. What is your spouse's occupation?
8. What is your highest level of education?
9. What is your spouse's highest level of education?

10. Have you or a family member ever sued anyone? If so, please provide details.

11. Have you of a family member ever been sued? If so, please provide details.

12. Are you involved in any civic or volunteer organizations? If so, please tell us about them.

13. Do you have any training in the following:

    a. Human resources;

    b. Law or the legal field;

    c. Sexual Harassment investigations;

    d. Progressive discipline or other forms or employee counseling;

    e. Documentation requirements in the workplace;

    f. Retaliation.

14. Have you or a family member had any training or education regarding equal opportunity policies?

15. Have you or a family member had any training or education regarding progressive discipline, compensation, equal pay or retaliation?

16. Have you or a family member developed policies in the workplace, or been required to implement policies in the workplace?

17. Do you own your own business, or have you owned your own business in the past?

18. Have you or a family member ever thought you had good reason to sue, but decided against it? If so, please explain.

19. Have you or a family member ever experienced discrimination in the work place?

20. Have you or a family member ever brought complaints to management or Human Resources regarding your pay or discrimination?

21. Have you or a family member ever experienced retaliation in the workplace?

22. Have you or a family member ever been subjected to discipline in the workplace, including but not limited to verbal counseling, written counseling or any other progressive discipline?

23. Have you or a family member ever been counseled or disciplined for having a bad attitude?

24. Have you or a family member ever been counseled or disciplined for poor performance?

25. Have you ever been terminated from the workplace?

26. Have you or any close family member ever suffered from major depressive disorder or from post-traumatic stress?

27. Have you or any close family member spent an extended period of time out of work?

28. Have you or a close family member ever lost healthcare benefits, pension benefits or other job benefits because of a job loss?

29. Have you or a close family member ever worked for a company for more than 10 years? More than 20 years? Were you or your family member terminated from that position?

PLAINTIFFS' GENERAL VOIR DIRE QUESTIONS

The questions which Plaintiffs seek to directly propound to the jury panel are as follows:

1. Some people think that the law is not quite fair because it makes things too hard for the employer to fire people. Others think it's

too easy to fire people. Which group are you closer to, even just a little bit?

2. Have you, or any member of your immediate family, ever been a Plaintiff or a Defendant in any lawsuit? If so, state whether you were a Plaintiff or Defendant, and describe the lawsuit. Were you satisfied with the way your lawsuit was handled and resolved?

3. Have you previously served on a jury in either state or federal court? If so, please tell us the type of case, and whether the jury reached a verdict.

4. If you have previously served on a jury, were you satisfied with your jury service?

5. Some people believe there are too many frivolous lawsuits, with people trying to get rich off of a corporation. Others believe that lawsuits and courts are necessary because it's the only place where an individual can stand up to powerful corporations. Which view are you a little closer to? Why?

6. Following up on the same topic: Many folks are concerned with what they call "tort reform": too many lawsuits, big verdicts,

runaway juries, greedy lawyers all driving up prices and driving away jobs. As a result, some folks think that the court system needs changes. Others think things are okay as they are. Which view are you a little closer to? Tell me about it.

7. Does any member of the panel believe that the civil justice system should be changed to limit the ability of employees to bring claims against their employers?

8. Does any member of the panel belong to any organization which favors changing the law in order to limit a victim's rights to recover?

9. Is there any member of the panel who would start this trial with even the slightest negative feelings about Plaintiffs and their case, for any reason at all?

10. This is a case in which money damages are sought as compensation for retaliation. Do you have any disagreement whatsoever with our system of justice which provides that disputes such as this should be brought before a jury of people such as yourself for resolution?

11. Some people feel that a Plaintiff should not come to court asking a jury to compensate them for the damages they allege to have suffered. Others feel that it is appropriate. Are you closer, even a little bit, to the group that feels that a Plaintiff should not come to court asking a jury to award an amount of money for damages?

12. Some people have trouble allowing money in their verdicts for things like emotional distress or mental anguish. Others are okay with it. Which are you a little closer to? Why?

13. Some people have some philosophical, moral or other reasons for not allowing money for pain or suffering. Others are okay with it. Which are you closer to?

14. Some people have trouble allowing money for pain because money does not make pain go away. Others are okay with it. Which are you a little closer to?

15. Some people feel that an out of work person will exaggerate their pain to get more money form a jury. Others don't think so. Which are you closer to?

16. Who here knows anyone who's ever been accused of exaggerating their pain when they were really telling the truth? Tell us about it.

17. Plaintiffs are seeking damages in a significant amount. If you believe from the evidence presented and the law as given you in the charges by the Court that Plaintiffs are entitled to recover such amount, please raise your hand if you would have any hesitation whatsoever about awarding a significant amount of damages.

18. How do you feel about whether there should be upper or lower limits on the amount of money jurors should be allowed to give?

19. At the end of this trial, if you think it will take just $50 to make up for what happened here – but if you know that the Plaintiff wants much more than $50 – what trouble would you have ignoring what the Plaintiff wants and deciding on a verdict of only fifty dollars, if that's what you think is fair, in spite of feeling sorry for the Plaintiff?

20. Now here's the other side of that question. If you decide it will take, say millions of dollars to make up for what happened to the

Plaintiff, what trouble would you have – even a little – in deciding on a verdict like that if you thought it was fair, in spite of feeling sorry for the defendants, who'll want it to be much less?

21. Responsibility means paying enough money compensation to fully equally the losses and level of harm – without putting anything into the scale except those losses and harms. That's the law. Who here thinks they might have trouble, even a little, keeping things off the scale that don't belong here?

22. Has anyone here ever lost of job after complaining about something they believed was wrong? Tell us about it. How long did it take after the complaint? Were you treated differently after the complaint?

23. How many of you have ever filed a charge of discrimination against any employer with any state or federal agency like the United States Equal Employment Opportunity Commission, or with any court?

24. How many of you have ever wanted to but did not file a charge of discrimination against any employer with any state or federal

agency like the United States Equal Employment Opportunity Commission, or with any court?

25. Have you, any relative or close personal friend ever been accused of committing acts of discrimination in the work place?

26. If your answer to the previous question is yes, did you feel the person that made the accusation was justified?

27. Would this past experience influence you to see this case more from one party's side than the other?

28. Is there any juror who has ever decided to obey an employer's request – even if you thought it was wrong – because you were afraid your employer would retaliate against you?

29. Does any juror own his or her own business, or have you owned your own business in the past?

30. Is there anyone here who has ever worked in human resources?

31. What news stations do you watch on TV, if any?

32. Do you listen to any talk radio shows? Which shows do you listen to?

33. Do you get news from the Internet? Which websites do you visit most often for the news?

34. What is the last school or learning institution you attended?

35. In trials like these, jurors make decisions on the basis of whether my side is more likely right than wrong. Some people think "more likely right than wrong" is not a fair standard because it makes things a little too easy on my side and a little to hard on the defense. Some people think they need to be certain or sure, and they aren't comfortable finding in favor of the plaintiff if they think she is only 'probably' right. Some think they would need to be 70, 80, 90% sure. Others think this is ok. Are you a little closer to those people who think this is a little unfair or too easy for my side?

36. At the end of the trial, the Judge will explain that you are required to decide what amount of money is appropriate based on whether the evidence shows my clients' damages claims are "more likely right than wrong". You can have doubts on both sides, but when you weight them all, if you think we're more likely right than wrong, you have to award damages accordingly. What trouble would you have, even a little, making our decisions

on the basis of whether we're more likely right than wrong, not total proof?

37. Given the type of person that you are, what is there about you that might help you, even a little bit, to be a juror on this kind of case, other than your ability to be fair and impartial?

38. Given the type of person that you are, what is there about you that might hurt you – even a little bit – to be a juror on this kind of case?

39. As jurors, you have certain rights. For instance, you have the right to hear all the evidence in order to make a correct decision. If you cannot hear any of the evidence, would any of you have a problem raising your hand and asking the judge, "Your Honor, I did not hear what that witness said. Could you ask him to repeat it?"

40. You also have the right to know and make sure that each of your other jurors knows and is following the law. So, if during deliberations, anyone is refusing to follow the law, will you all be comfortable asking your foreperson to knock on the door and tell

the bailiff you need the judge to come talk to a juror who won't follow the law?

41. Finally, can we count on you yourself to say strictly within the law when you're making your decisions so we won't get into that situation?

Plaintiff reserves the right to ask any questions identified in A or B-2 to this Pretrial Order to the extent that they are not asked by the Court or by Defendants. Plaintiff also reserves the right to ask reasonably related follow-up questions to any of the enumerated questions.

ATTACHMENT B-2

QUESTIONS WHICH DEFENDANT REQUEST THAT THE COURT PROPOUND TO JURORS ON VOIR DIRE EXAMINATION

1. Have you or any member of your immediate family (by "immediate family", I include your husband or wife, your parents, your children, your children's spouses, your brothers and sisters, your spouse's parents, or your spouse's brothers and sisters) ever been a plaintiff in any lawsuit or made any claim for damages? If so, please describe the nature of the lawsuit or claim and the outcome.

2. Have you or any member of your immediate family ever been a defendant in any lawsuit or has any claim for damages been made against you or any family member? If so, describe the nature of the lawsuit or claim and describe the outcome.

3. Have you or any member of your immediate family ever been a party in any arbitration or administrative agency proceeding? If so, could you describe the circumstances.

4. Have you or any member of your immediate family ever appeared as a witness in any court or in any arbitration or administrative

agency proceeding? If so, could you describe what happened (for whom you appeared, what the result was, etc.).

5. Have any of you or any members of your immediate family or any close friend been a witness in a lawsuit? If so, please describe the circumstances.

6.a. Have any of you, or any members of your immediate family or any close friend ever been terminated from a job?

6.b. Have any of you, or any members of your immediate family or any close friend ever been asked or forced to resign from a job?

6.c. Have any of you, or any members of your immediate family or any close friend ever been in some way discriminated against, for any reason, in regard to any employment decision?

6.d Have any of you, or any members of your immediate family or any close friend ever been sexually harassed at the workplace?

6.e Have any of you, or any members of your immediate family or any close friend ever been in some way retaliated against, for any reason, in regard to any employment decision?

If the answer to any of the above questions is “yes”, please describe the circumstances and what your feelings were concerning the action taken. Do you know of any reason why you could not be fair and impartial and render a verdict strictly in accordance with the evidence as admitted and the law as the Court instructs you?

7. Have you, any member of your immediate family, or a friend ever been ever been the victim of gender discrimination? If so, please explain.

8. In this case, the Plaintiff, Lorena Baldelamar, has asserted a claim against Jefferson Southern Corporation under the Title VII of the Civil Rights Act of 1964. Specifically, Lorena Baldelamar alleged that Jefferson Southern terminated her because she complained about sexual harassment. Would you feel personally affected by the outcome of this case, and if so, why?

9. Have you heard or read anything about any retaliation claim which would, for any reason, (1) prevent you from being fair and impartial to either side or (2) prevent you from reaching a verdict based solely upon the law and the evidence presented during this trial?

10. Have you, any member of your immediate family, or a friend ever been ever been falsely accused of discrimination? If so, please explain.

11. Do you feel that, just because the Plaintiff filed this lawsuit against Jefferson Southern, that Jefferson Southern probably did something wrong or illegal?

12. If you conclude from the evidence in this case that Jefferson Southern did not unlawfully retaliate against Lorena Baldelamar, do you believe that you will be able to return a verdict for Jefferson Southern, even if you feel that the Defendant's actions were harsh, unfair, or you otherwise disagree with the actions?

13. From any source whatsoever, do you know anything about this case or have you heard anything about this case?

14. Does anyone see anyone one in the courtroom that they know? Other jurors, bailiffs, court staff, attorneys, Judge Murphy?

15. Can you think of any reason you cannot keep an open mind and render your verdict in this case uninfluenced by the relative size or wealth (or the lack of size) of either party?

16. Have you ever had any supervisory or managerial authority over other employees? If so, have you ever taken part in any employer-sponsored training programs or seminars on the following topics:

a. Hiring/firing?

b. EEO training (including training concerning compliance with the Title VII)?

c. Labor Relations?

d. Employee discipline?

17. Have you or any member of your immediate family ever taken part as an employee in any employer-sponsored training programs or seminars on the following topics:

a. EEO training(including no-harassment/discrimination training)?

b. Union involvement in the workplace?

c. Employee discipline?

18. Have you ever owned or operated your own business or employed your own employees? If so, please explain.

19. Have you or any member of your immediate family ever been member of or in any way affiliated with a fraternal organization or labor union? If so, please describe.

20. What is your present occupation and the occupation of the members of your immediate family?

21. Have you previously been engaged in any other business?

22. Please briefly describe your education.

a. Did you receive a degree?

b. In what?

23. Do you personally accept the fact that in a court of law corporations must be treated the same as individuals?

24. Do you feel that employers should give preference or special consideration or treatment to employees because they are female?

25. What do you do in your spare time?

26. Have you ever commented or posted comments on social media sites about a company? About what?

27. Do you have any bumper stickers on your vehicle? If so, what do they say?

28. For how long have you been in your current job? What do you do specifically?

29. Is your spouse employed outside the home? What does he or she do?

30. Have you ever served as a juror before - criminal or civil case?

a. Do you understand different legal standards for the required burden of proof? (Beyond reasonable doubt vs. preponderance of evidence.)

b. Did you participate in discussions in that prior case?

c. Were you satisfied with the outcome?

d. Was the overall experience satisfactory?

e. Do you want to serve again?

f. Are you able to base your decision here on the facts of this case and law and not refer to what happened in the other case?

31. Do you understand the Plaintiff, Lorena Baldelamar, has the burden of proof in this case?

32. Do you understand that the Defendant does not have to prove anything? Do you have a problem with that? Do you think that is unfair?

33. Do you subscribe to any magazines or other publications? If so, which one(s)?

34. Do you subscribe to any newspaper? Which one(s)?

35. Do you regularly watch television? How much per week? Do you have any favorite shows? Do you regularly watch television news or listen on the radio?

36. Do you regularly visit social media sites, blogs or websites? How much per week? Do you have any favorite sites to visit?

37. Do you believe that a person should bear responsibility for the consequences of his or her actions? How do you feel about a person who refuses to do so?

38. What's the book you've read most recently?

a. Fiction or non-fiction?

b. Prefer fiction or non-fiction?

39. Any of your relatives / friends / neighbors / acquaintances attorneys?

40. If military service, when? How long? Rank achieved? Enjoy it? What, if any aspect, in particular?

41. Do you have any hobbies? What are they? What you like about them?

42. Do you belong to any social or professional organizations? What do you like about them?

43. Is there any reason at all you would prefer not to sit on this jury?

I've asked a lot of questions, does anyone feel that they need to make sure that the court or the lawyers are aware of, because it may affect your ability to be a fair and impartial jury.

ATTACHMENT C

PLAINTIFF'S OUTLINE OF THE CASE

I. Factual Outline

Defendant Jefferson Southern ("JSC") is Tier One automotive supplier; JSC is Japanese Company doing business in Rockmart, GA. JSC employs approximately 230 full-time employees and approximately 85 part-time employees. JSC hired Plaintiff in January of 2005 an associate in the Stamping Department of the manufacturing facility. Plaintiff was ultimately promoted to be a forklift driver in 2010. Plaintiff alleged that for years leading up to her termination Carlos Chavez, and other male co-workers, subjected Plaintiff to frequent harassment including name calling, sexually charged comments and even death threats from a co-worker known as Rico Reyes. Plaintiff reported a number of incidents, dating as far back as 2010, to the Corporation but was forced to work alongside these individuals for many years. Since 2013, Plaintiff has been treated by a medical professional for the stress and anxiety that her work environment has created for her.

Plaintiff's co-worker Carlos Chavez became Plaintiff's team leader sometime in 2014. In July 2015, while working on a Saturday, Plaintiff requested from Mr. Chavez that she be able to leave early from work that day. Mr. Chavez told Plaintiff that she could leave work early only if she slept with him and became his mistress. Plaintiff refused. Later that day, while Plaintiff was working at the computer terminal in the Stamping Department, Mr. Chavez walked up behind Plaintiff and grabbed her butt. Plaintiff immediately hit Chavez's hand away and verbally demanded that he stop. There were no HR personnel on site that day. The next work day, Plaintiff reported the incident to Human Resources but the Corporation failed to document her complaint or take any action. Two day later, Mr. Chavez himself lodged a complaint with Human Resources, targeting Plaintiff, complaining that Plaintiff had told him that she was going to "take him to the office." Plaintiff was summoned to the Human Resources office a questioned about the Chavez's accusation and further reiterated her complaints of harassment and mistreatment by Mr. Chavez. Following the meeting, as a result on an email sent from Human Resources employee Marcus Smith to Human Resources Manager Demetria Strozier, the Corporation determined that Plaintiff's complaint was a "clear complaint of sexual harassment" and subsequently opened an investigation into the matter.

During the Company's investigation a number of employees were interviewed. Some employees that were interviewed who were not even at work on the day of the incident and some of the employees were at work but did not witness anything. Nevertheless, the Company did interview one employee that was at work on the day of the incident, Peirre Hebert, and Mr. Hebert informed the HR Manager that he witnessed Mr. Chavez grab Plaintiff's butt. The Corporation admitted that Hebert corroborated Plaintiff's claims but nevertheless terminated Plaintiff's employment two days later.

II. Summary of Legal Claims

The following claims will be asserted at trial:

(1) Retaliatory termination of employment in violation of Title VII of the Civil Rights Act of 1964, as amended;

III. Relevant Rules, Regulations, Statutes, Ordinances, and Illustrative Case Law

A. *Statutes*:

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq*., 42 U.S.C. §1981a

B. *Illustrative case law*:

Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53 (2006)

Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Meritor Savings Bank v. Vinson, 477 U.S. 56 (1986)

Reeves v. C.H. Robinson Worldwide, inc., 594 F.3d 798 (11th Cir. 2010)

Cotton v. Cracker Barrel Old Country Store, Inc., 434 F.3d 1227 (11th Cir. 2006)

Johnson v. Booker T. Washington Broadcasting Servs., Inc., 234 F.3d 501 (11th Cir. 2000)

Stimpson v. City of Tuscaloosa, 186 F.3d 1328 (11th Cir. 1999)

Dees v. Johnson Controls World Servs., Inc., 168 F.3d 417 (11th Cir. 1999)

Llampalas v. Mini-Circuits Lab, Inc., 163 F.3d 1236 (11th Cir. 1998)

IV. Elements of Damage under Federal Law

A. *Back pay and benefits:* Plaintiff is entitled to lost wages under Title VII from the day of termination from employment with Defendant until the time of trial.

Dollar amount claimed: To be determined at time of trial.

Authority: 42 U.S.C. § 2000e-5(g)

Johnson v. Railway Express Agency, Inc., 421 U.S. 454 (1985)

B. *Compensatory damages*: Plaintiff is entitled to compensatory damages for the nonpecuniary consequences of Defendants' unlawful treatment, including emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life. Compensatory and punitive damages under Title VII are capped at $200,000 per aggrieved employee for employers that have more than 201 employees.

Dollar amount claimed: The amount of compensatory damages will be determined by the jury. Plaintiff will seek the maximum permissible under law.

Authority: 42 U.S.C. § 1981a(b)(3)

C. *Attorneys' fees and expenses*: Prevailing Title VII plaintiffs are entitled to recovery of reasonable attorneys' fees and other costs of litigation.

Dollar amount claimed: Plaintiff's counsel will provide an accounting of these costs post-judgment.

Authority: 42 U.S.C. § 2000e-5(k); 42 U.S.C. § 1981a

D. *Prejudgment interest*: Plaintiff is entitled to prejudgment interest on all sums recovered.

Dollar amount claimed: To be determined depending on recovery.

Authority:

Castle v. Sangamo Weston, Inc., 837 F.2d 1550 (11th Cir. 1988)

Lindsey v. American Cast Iron Pipe Co., 810 F.2d 1094 (11th Cir. 1987)

E. *Equitable relief:* Under Title VII, a plaintiff can receive front pay in lieu of reinstatement. Courts have considered two years to be a reasonable front pay award.

Dollar amount claimed: To be determined at trial.

Authority:

Pollard v. E.I. DuPont deNemours & Co., 532 U.S. 843 (2001)

Armstrong v. Charlotte County Bd. of Commrs., 273 F. Supp. 2d 1312 (M.D. Fla. 2003).

ATTACHMENT D

DEFENDANTS' OUTLINE OF THE CASE

I. Defendant's Factual Summary

Plaintiff alleges that Defendant Jefferson Southern violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, ("Title VII") when it terminated her on July 30, 2015. Defendant denies Plaintiff's allegations.

Jefferson Southern is a Tier One automotive parts supplier in Rockmart, Georgia. Plaintiff was employed as a forklift driver in the Company's Stamping Department. The Stamping Department has Team Leaders who relay orders from Coordinators to production employees (like Plaintiff) and who assist production employees while performing similar work. Team Leaders cannot set work schedules for production employees, cannot make compensation decisions, and cannot issue discipline. Plaintiff's supervisor was Coordinator Zeferino Duque.

Ray Wright was the Company's Plant Manager, a position he had held since 2012. Demetria Strozier was the Company's Human Resources Manager, a position she had held since 2012. The Company maintains "no discrimination and harassment" policies, including providing alternative avenues for employees to report work-related complaints. Those policies are part of the Company's Employee Handbook, a copy of which Plaintiff received most recently in 2012. Employees can also report complaints through an Ethics Hotline phone number or by going directly to the Human Resources office or by leaving a note in the complaint box outside the office. There are employees who work in the Human Resources office who can translate English to Spanish. Plaintiff knew that Human Resources was where she could report any problems.

On July 22, 2015, Plaintiff was called to the Human Resources office by HR employee Marcus Smith following a complaint made about her by co-worker Carlos Chavez. Chavez complained that Plaintiff made an inappropriate comment about him in the breakroom. Plaintiff had suggested that Chavez would not ask a male co-worker to perform a specific job function because of the relationship the employee had with Chavez. After Smith began discussing Chavez's complaint with her, Plaintiff for the first time stated that Chavez had touched her rear end on July 18 and had asked her to be his mistress. Following the meeting, Smith immediately notified Strozier who replied that the Company needed to investigate the harassment allegation. Prior to this date, Plaintiff had never complained to her supervisor, the Plant Manager or any current Human Resources employee about sexual harassment.

The Company conducted an investigation in which fourteen witnesses were interviewed, including Plaintiff and Chavez. Two witnesses reported to Strozier that they had heard Plaintiff threaten to have her husband beat up Duque. Other witnesses stated that Plaintiff argued whenever asked to perform various job duties. Plaintiff told Strozier that Chavez had sent improper text messages to her, but she never produced any messages. Plaintiff initially told Strozier that she did not have any witnesses to support her allegation, but approximately an hour after her interview she identified Pierre Hebert as a witness. Hebert stated that he had seen Chavez touch Plaintiff's rear end on July 18, although he had not previously reported it. When Strozier asked Hebert if he had talked to Plaintiff after her interview, he said no. This was untrue, as Plaintiff later admitted in her deposition that she had in fact spoken with Hebert after her interview.

After completing the interview, Strozier and Wright made the decision to terminate Plaintiff on July 30, 2015. The decision was based on 1) Plaintiff's threats against Duque that had been discovered during the investigation, 2) Plaintiff's pattern of arguing when asked to perform job duties, and 3) Strozier's belief that Plaintiff had made untrue statements about the harassment and during the investigation.

II. Relevant Law Regarding Legitimate, Non-Retaliatory Reason As A Defense To A Title VII Claim

See, e.g., McDonnell Douglas Corp v. Green, 411 U.S. 792 (1973); *Univ. of Texas Southwestern Med. Center v. Nassar*, 133 S.Ct. 2517, 2534 (2013); *Hawkins v. BBVA Compass Bancshares, Inc.*, 613 Fed. Appx. 831 (11th Cir. 2015) ("Title VII retaliation claims require that the protected activity was a **but-for** cause of the alleged adverse action by the employer") (emphasis added); *Teal v. City of Dahlonega*, 2011 WL 7006248 (N.D. Ga. 2011); *Spence v. Panasonic Copier Co.*, 46 F.Supp.2d 1340, 1348 (N.D. Ga. 1999); *Robinson v. AFA Serv. Corp.*, 870 F.Supp. 1077, 1085 (N.D. Ga. 1994) ("Were the rule otherwise, then a disgruntled employee, no matter how poor his performance…could effectively inhibit a well-deserved discharge by merely filing, or threatening to file, a discrimination complaint."); *Hankins v. AirTran Airways, Inc.*, 237 Fed. Appx. 513, 521 (11th Cir. 2007); *Elrod v. Sears, Roebuck, and Co.*, 939 F.2d 1466 (11th Cir. 1991) ("If the employee fired an employee because it honestly believed that the employee had violated a company policy, even if it was mistaken in such belief, the discharge is not' because of race'"); *Copeland v. CVS Pharmacy, Inc.*, 2006 WL 2699045, *1 (N.D. Ga. 2006).

ATTACHMENT E

STIPULATED FACTS

1. Jefferson Southern is a Tier One automotive parts supplier in Rockmart, Georgia.
2. Jefferson Southern Corporation is a Japanese Corporation doing business in Rockmart, Georgia.
3. Jefferson Southern employs over 230 full-time employees and approximately 85 part-time employees.
4. Jefferson Southern's plant has a Stamping Department that is overseen by a Department Manager.
5. A Coordinator oversees each shift in the Stamping Department.
6. Coordinators supervise the production employees by setting work schedules and issuing discipline when necessary.
7. The Stamping Department has Team Leaders who relay orders from Coordinators to production employees and who assist production employees while performing similar physical work.
8. Team Leaders cannot set work schedules for production employees, cannot make compensation decisions, and cannot issue discipline.

9. Plaintiff never received a disciplinary write-up from Team Leader Carlos Chavez.
10. Plaintiff began her employment at Jefferson Southern in 2005.
11. Plaintiff worked in Defendant's stamping department for over 10 years.
12. Plaintiff worked as a Forklift Driver in the Stamping Department.
13. At the time Jefferson Southern Corporation terminated Plaintiff's employment she was the only female working in the Stamping Department with approximately 40 men.
14. Ray Wright joined Jefferson Southern in 2011 and became the Plant Manager in November 2012.
15. Demetria Strozier joined Jefferson Southern on September 4, 2012 as the Human Resources Manager.
16. On July 22, 2015 Jefferson Southern Corporation initiated an official sexual harassment investigation into Plaintiff's claim of sexual harassment against Carlos Chavez.
17. On July 22, 2015, Carlos Chavez submitted a complaint to Human Resources against Plaintiff.
18. Plaintiff was terminated from her employment on July 30, 2015.

19. If Plaintiff prevails as to liability, her back pay damages, without interest, are $ 48,106.51.

ATTACHMENT F-1

PLAINTIFF'S WITNESS LIST

The following individuals WILL be present at trial:

1. Demetria Strozier
2. Pierre Hebert
3. Carlos Chavez

The following individuals MAY be present at trial:

1. Rodrigo Cornejo (a/k/a Refugio Reyes, a/k/a Rico Reyes)
2. Steve Blankenship
3. Sheila Bishop
4. Sheri Price
5. Ray Wright
6. Deanna Hall
7. Rosalinda Escutia
8. Paola Coronel
9. John Beck

10. Paul Overmoyer

11. Daryl Scott

12. Sotero Cruz

13. Zeferino Duque

14. Jeff Harris

15. Robert Ward

16. Clay Haney

Plaintiff reserves the right to call as a witness at trial any individual(s) identified by Defendants in Attachment "F-2." Plaintiff further reserves the right to call any other witness at trial for rebuttal or impeachment purposes.

Defendant's Objections to Plaintiff's Witness List

Rodrigo Cornejo	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time
Steve Blankenship	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time
Sheila Bishop	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time
Jeff Harris	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time
Robert Ward	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time
Clay Haney	Lack of personal knowledge of issues relevant to remaining claim; relevance; prejudice; confusion and waste of time

ATTACHMENT F-2

DEFENDANTS' WITNESS LIST

Defendant will call:

1. Demetria Strozier
2. Ray Wright
3. Marcus Smith

Defendant may call:

1. Sotero Cruz
2. Carlos Chavez
3. Paul Overmoyer
4. Rosalinda Escutia
5. Paolo Coronel
6. Zeferino Duque
7. Any witness identified by Plaintiff.

Defendant further reserves the right to call any other witness at trial for rebuttal or impeachment purposes.

ATTACHMENT G-1

PLAINTIFF'S PROPOSED EXHIBITS

Exh. No.	Bates Begin	Bates End	Document
1	D00033	D00136	Employer Handbook
2	D00137	D00278	Plaintiff's Personnel File
3	D00279	D00322	Carlos Chavez Personnel File
4	D00393	D00424	Marcus Smith Investigative Notes
5	D00323	D00392	Refugio "Rico" Reyes Personnel File
6	D00183	D00183	Plaintiff's Separation Notice
7	D00525	D00568	Demetria Strozier Investigative Notes
8	D00690	D00703	Employee Attendance Records
9	D001033	D001304	JSC Employee Counseling and Corrective Actions
10 11 12 13 14 15 16 17 18 19 20 21 22 23	D000584 D000625 D000628 D000630 D000639 D000646 D000650 D000655 D000663 D000671 D000673 D000676 D000680 D000684	D000585 D000627 D000629 D000632 D000641 D000649 D000652 D000657 D000664 D000672 D000675 D000677 D000681 D000686	JSC Employee Counseling and Corrective Actions

24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51	D000687 D001021 D001027 D001033 D001039 D001043 D001046 D001090 D001095 D001101 D001115 D001121 D001129 D001135 D001139 D001145 D001148 D001157 D001175 D001177 D001188 D001199 D001203 D001231 D001234 D001246 D001252 D001301	D000689 D001023 D001032 D001036 D001042 D001045 D001049 D001092 D001100 D001106 D001120 D001123 D001132 D001138 D001142 D001147 D001151 D001159 D001176 D001179 D001190 D001202 D001206 D001233 D001235 D001251 D001254 D001304	
52	D00167	D00169	GA Dept. of Labor DOL-1199FF Form from JSC to GA Dept. of Labor
53			Bennett Law Group Demand Letter to JSC
54	D00442	D00447	JSC EEOC Position Statement
55	D000170	D000172	Plaintiff's 7/30/2015 Counseling and

			Corrective Form
56	D001318	D001320	Marcus Smith 7/22/2015 email to Demetria Strozier and Demetria Strozier's Reply email.
57			April 20, 2016 Declaration of Pierre Hebert
58			Plaintiff's medical records from Floyd County Medical
59	Baldelamar0001	Baldelamar0119	Sheri Price Calendar and Notes
60	D003324	D003369	HR Reports
61	D001262	D001297	Chart of Employee counseling

Plaintiff further identifies as potential exhibits each and every document or thing identified by Defendants in Attachment G-2. Plaintiff further reserves the right to enter any document or thing to be used for impeachment purposes.

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBITS

1	Employer Handbook	No Objection
2	Plaintiff's Personnel File	No Objection
3	Carlos Chavez Personnel File	No Objection
4	Marcus Smith Investigative Notes	No Objection
5	Refugio "Rico" Reyes Personnel File	Relevancy; waste of time; confusion; prejudice
6	Plaintiff's Separation Notice	No Objection
7	Demetria Strozier Investigative Notes	No Objection
8	Employee Attendance Records	No Objection
9	JSC Employee Counseling and Corrective Actions	Relevancy; waste of time; confusion
10-51	JSC Employee Counseling and Corrective Actions	Relevancy; waste of time; confusion
52	GA Dept of Labor DOL-1199FF Form from JSC to GA Dept. of Labor	No Objection
53	Bennett Law Group Demand Letter to JSC	Relevancy; waste of time; confusion
54	JSC EEOC Position Statement	No Objection
55	Plaintiff's 7/30/2015 Counseling and Corrective Form	No Objection
56	Marcus Smith 7/22/2015 email to Demetria Strozier and Demetria Strozier's Reply email	No Objection
57	April 20, 2016 Declaration of Pierre Hebert	No Objection
58	Plaintiff's medical records from Floyd County Medical	Relevance; waste of time; confusion; foundation; hearsay
59	Sheri Price Calendar and Notes	Relevance; waste of time; confusion; hearsay

60	HR Reports	Relevancy; waste of time; confusion
61	Chart of Employee Counseling	No Objection

ATTACHMENT G-2

DEFENDANTS' PROPOSED EXHIBITS

COURT USE	EXHIBIT NO.	DESCRIPTION
	1.	EEO Policies from Jefferson Southern's Associate Handbook (D000046-49)
	2.	Baldelamar's Acknowledgement of Receipt of Associate Handbook (D000201-02)
	3.	March 24, 2010 Corrective Action Documentation (D000164-66)
	4.	April 29, 2010 Corrective Action Documentation (D000161-63)
	5.	September 11, 2012 Corrective Action Documentation (D000158-60)
	6.	October 16, 2014 Corrective Action Documentation (D000205-06)
	7.	July 30, 2015 Corrective Action Documentation (D000170-72)
	8.	Investigative Notes (D000393-424)
	9.	Investigative File (D000525-568)
	10.	July 22, 2015 Emails (D001318-20)
	11.	Investigation Confidentiality Agreements (D000618, 619, 622 624)
	12.	JSC Training Log (D000482)
	13.	Investigation Confidentiality Agreements (D000620, 621, 623)
	14.	Time & Attendance – Employee Time Cards (D000690-703)
	15.	Declaration of Pierre Hebert dated April 26, 2016
	17.	Bond For Good Behavior, Magistrate Court of Polk County (D000175)

PLAINTIFF'S OBJECTIONS TO DEFENDANTS' PROPOSED EXHIBITS

EXHIBIT NO.	DESCRIPTION	OBJECTIONS
1.	EEO Policies from Jefferson Southern's Associate Handbook (D000046-49)	No objection
2.	Baldelamar's Acknowledgement of Receipt of Associate Handbook (D000201-02)	No objection
3.	March 24, 2010 Corrective Action Documentation (D000164-66)	Relevancy, prejudicial
4.	April 29, 2010 Corrective Action Documentation (D000161-63)	Relevancy, prejudicial
5.	September 11, 2012 Corrective Action Documentation (D000158-60)	Relevancy, prejudicial
6.	October 16, 2014 Corrective Action Documentation (D000205-06)	Relevancy, prejudicial
7.	July 30, 2015 Corrective Action Documentation (D000170-72)	No objection
8.	Investigative Notes (D000393-424)	No objection
9.	Investigative File (D000525-568)	No objection
10.	July 22, 2015 Emails (D001318-20)	No objection
11.	Investigation Confidentiality Agreements (D000618, 619, 622 624)	No objection
12.	JSC Training Log (D000482)	Relevancy to the legal issues being tried.

13.	Investigation Confidentiality Agreements (D000620, 621, 623)	No objection
14.	Time & Attendance – Employee Time Cards (D000690-703)	Discuss
15.	Declaration of Pierre Hebert dated April 26, 2016	No objection
17.	Bond For Good Behavior, Magistrate Court of Polk County (D000175)	Relevancy to the legal claims being tried, prejudicial, hearsay.

ATTACHMENT H-1

PLAINTIFF'S TRIAL BRIEF

Plaintiff has not submitted a trial brief at this time but reserve the right to do so at a later date.

ATTACHMENT H-2

DEFENDANTS' TRIAL BRIEF

Defendant has not submitted a trial brief at this time but reserves the right to do so at a later date.

ATTACHMENT I-1

PLAINTIFF'S VERDICT FORM

RETALIATION

Do you find from a preponderance of the evidence:

1. That Jefferson Southern Corporation terminated Mrs. Baldelamar's employment because she engaged in protected activity?

Answer Yes or No: _________________

If your answer to this question is "yes," then answer the next question. If you answered "no," stop here and answer no further questions in this section.

2. That Mrs. Baldelamar was harmed by being terminated from her employment?

Answer Yes or No: _________________

If your answer to this question is "yes," then answer the next question. If you answered "no," stop here and answer no further questions in this section.

3. That Mrs. Baldelamar should be awarded damages as follows:

(a) Net lost wages and benefits to the date of trial

$48,106.51

(b) Mental and emotional humiliation or pain and anguish

$________________

SO SAY WE ALL.

____

Foreperson

DATED: ___________________________

ATTACHMENT I-2

DEFENDANTS' VERDICT FORM

1. Do you find that Plaintiff has proven by a preponderance of the evidence that she was terminated on July 30, 2015 because she complained about sexual harassment?

Yes ______

No ______

If your answer to Question No. 1 is "yes," proceed to Question No. 2. If your answer to Question No. 1 is "no," sign and return this verdict form and DO NOT RESPOND TO THE REMAINING QUESTIONS.

2. Has Plaintiff proven by a preponderance of the evidence that she should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Yes ______

No ______

If your answer to Question 2 is yes, then the parties have already stipulated that the amount is $48,106.51 plus prejudgment interest, so you must enter this amount.

3. Has Plaintiff proven by a preponderance of the evidence that she should be awarded damages to compensate for emotional pain and mental anguish?

Yes ______

No ______

If "yes," in what amount? $ ___________

Done this ____ day of ____________, 2017.

Respectfully submitted,

____
Foreperson of Jury

____
Date